

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Garfield	Team: Squad #16	CCRB Case #: 202302541	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/18/2022 3:30 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 5/18/2024	Precinct: 67		
Date/Time CV Reported Mon, 03/27/2023 11:13 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 03/27/2023 11:13 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Robert Felts	15294	945712	067 PCT
2. LT Andrew Chance	00000	928054	067 PCT
3. PO Damanpreet Singh	11797	968811	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Jerlonie Julien	27337	972029	067 PCT
2. PO Aleksandra Chorazewicz	01863	954641	067 PCT
3. PO David Goldman	24217	945770	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Damanpreet Singh	Abuse: Police Officer Damanpreet Singh entered § 87(2)(b) in Brooklyn.	
B . LT Andrew Chance	Abuse: Lieutenant Andrew Chance entered § 87(2)(b) in Brooklyn.	
C . LT Andrew Chance	Abuse: Lieutenant Andrew Chance searched § 87(2)(b) in Brooklyn.	
D . PO Robert Felts	Abuse: Police Officer Robert Felts threatened to arrest § 87(2)(b)	
E . PO Robert Felts	Force: Police Officer Robert Felts used physical force against § 87(2)(b)	
F . LT Andrew Chance	Abuse: Lieutenant Andrew Chance failed to provide § 87(2)(b) with a business card.	

Case Summary

On March 27, 2023, § 87(2)(b) filed the following complaint via the CCRB website.

On November 18, 2022, at approximately 3:30 a.m., six officers of the 67th Precinct responded to § 87(2)(b) apartment, located at § 87(2)(b) in Brooklyn: PO Damanpreet Singh (who is now with the 103rd Precinct), Lieutenant Andrew Chance, PO Robert Felts, PO David Goldman, PO Aleksandra Chorazewicz, and PO Jerlonie Julien.

§ 87(2)(b) opened her door for officers and PO Singh placed his foot in the doorway to prevent her from closing it (**Allegation A: Abuse of Authority**, § 87(2)(g) Officers, overseen by Lieutenant Chance, entered and searched her apartment (**Allegation B: Abuse of Authority**, § 87(2)(g) (**Allegation C: Abuse of Authority**, § 87(2)(g) PO Felts threatened to arrest § 87(2)(b) (**Allegation D: Abuse of Authority**, § 87(2)(g) PO Felts also pushed § 87(2)(b) (**Allegation E: Force**, § 87(2)(g)

Officers then left § 87(2)(b) apartment. Lieutenant Chance did not offer § 87(2)(b) a business card (**Allegation F: Abuse of Authority**, § 87(2)(g)

No summons or arrest resulted from this incident. The investigation is in possession of six BWC videos pertaining to this incident (BRs 01 – 06). The investigation is in possession of no additional video.

On July 12, 2023, this case was reassigned from Supervising Investigator Rachel Murgo to Supervising Investigator Carter Garfield.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Damanpreet Singh entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Lieutenant Andrew Chance entered § 87(2)(b) in Brooklyn.

Allegation (C) Abuse of Authority: Lieutenant Andrew Chance searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) (BR 07) stated that she was asleep with her friend, § 87(2)(b) when she awoke to her doorbell ringing. She believed it was § 87(2)(b) a woman who had a relationship with § 87(2)(b) and had been harassing § 87(2)(b) for the past few months, who was ringing her bell. § 87(2)(b) then called 911 and reported that § 87(2)(b) was harassing her. Shortly later, the 911 operator called § 87(2)(b) back and told her it was officers ringing her doorbell. § 87(2)(b) then buzzed the officers into her building.

§ 87(2)(b) opened her apartment door to speak to the officers. An officer asked if § 87(2)(b) was inside the apartment and she replied that he was. She told the officers that she would go get him and attempted to close her door, but an officer (identified by the investigation as PO Singh) placed his foot in the doorway. § 87(2)(b) told the officers that they were not allowed in her apartment. She then walked back into her apartment to where § 87(2)(b) was and told him the officers were looking for him. § 87(2)(b) began to get dressed and § 87(2)(b) returned to her apartment door.

When she returned to her apartment door, approximately three or four officers were standing in the foyer inside of her apartment. § 87(2)(b) told the officers to get out of her apartment because they were not welcome inside, but they refused to leave her apartment. After waiting a couple minutes for § 87(2)(b) stated that the officers grew impatient and entered further into her apartment to look for him. They asked what room he was in and she pointed to her bedroom door. § 87(2)(b) stated that she complied with the officers because she was scared of going to jail.

PO Singh (BR 08) testified that he responded to § 87(2)(b) apartment due to a 911 call for a robbery. He could not recall any other details provided over the 911 call. When he arrived on scene, he and Lieutenant Chance joined the other officers, who were speaking to § 87(2)(b) outside of § 87(2)(b) building. § 87(2)(b) who identified herself as the 911 caller for the robbery, told officers that § 87(2)(b) had stolen her pocketbook, entered § 87(2)(b) building, and assumed he was in § 87(2)(b) apartment. She did not allege any other crimes. PO Singh did not observe any visible injuries on § 87(2)(b) person nor did § 87(2)(b) state she was injured. § 87(2)(b) did not allege that § 87(2)(b) had a weapon or had threatened her with force. Other than the theft of her pocketbook, there were no other crimes alleged.

PO Singh and the other officers on scene were buzzed into § 87(2)(b) building and spoke with § 87(2)(b) at her apartment door. § 87(2)(b) told the officers that § 87(2)(b) was in the back of the apartment and that she would go get him. PO Singh then placed his foot in the door to prevent it from closing. He testified that it was for safety reasons. He explained that § 87(2)(b) “had the right” to close her door if she wanted but it would “not have made sense,” if she did, because of the nature of the crime. PO Singh then testified that officers did not need consent to enter the apartment because the crime was considered a “violent” crime and therefore they had exigent circumstances to enter. He clarified that all robbery jobs are considered violent crimes. Other than the job being considered a “violent” crime from the radio code classification, PO Singh said there were no other reasons to consider this crime to be violent. After reviewing his BWC footage, PO Singh testified that he told § 87(2)(b) that officers had a warrant for § 87(2)(b) due to “a slip of the tongue,” not because officers actually had a warrant for § 87(2)(b).

Lieutenant Chance (BR 08) testified that officers did not need consent from § 87(2)(b) to enter and search her apartment due to the following exigent circumstances: that officers knew § 87(2)(b) was inside of the apartment, because of the nature of the crime, because officers believed that § 87(2)(b) might escape, and because officers had a victim on scene reporting the crime. There was no indication to Lieutenant Chance that § 87(2)(b) was armed or dangerous or that violence was used when he stole § 87(2)(b) pocketbook. Lieutenant Chance did not know how much money, if any, was in § 87(2)(b) pocketbook.

PO Singh’s BWC (BR 06) is generally consistent with his testimony. At 2:30, PO Singh is standing outside § 87(2)(b) with the officers and § 87(2)(b). PO Felts tells PO Singh that § 87(2)(b) reported that § 87(2)(b) stole her pocketbook and was inside. He also states that § 87(2)(b) does not live at the location and that it is his “ex-girlfriend’s” apartment. No officer mentions any force used or any threats of violence. At 9:52, officers are buzzed into the building.

At 10:15, as officers walk up to apartment § 87(2)(b), § 87(2)(b) opens the door. § 87(2)(b) tells officers that § 87(2)(b) is harassing her and § 87(2)(b) and that § 87(2)(b) is currently in the apartment asleep. PO Singh asks if officers can speak with § 87(2)(b). § 87(2)(b) says yes and that she will go get him. She then steps away from her door. PO Singh steps forward as PO Julien holds the door open with one hand. The door remains open, but PO Singh’s foot is not visible. At 11:00, PO Singh is standing in the middle of the doorway. At 11:07, PO Singh turns his flashlight on, pushes the door open, and shines his flashlight inside of the apartment.

At 11:11, § 87(2)(b) returns to the door and says that § 87(2)(b) does not want to come out. PO Singh asks if they can come in, and § 87(2)(b) replies no. PO Singh and PO Julien say, “Unfortunately...,” and step into the apartment. § 87(2)(b) says, “Okay, but you can’t come - do you have a warrant for me?” PO Singh replies, “No, not at all. For § 87(2)(b).” § 87(2)(b) replied, “Okay, he’ll come out.” Lieutenant Chance says, “Have § 87(2)(b) come out. He’s not gonna say he’s not gonna come out because, we have an allegation against him. He’s coming out.” § 87(2)(b) says, “Okay, no problem. Can y’all step out though because I didn’t say y’all can come in here.” Lieutenant Chance replies, “No.”

The investigation obtained the EVENT that was generated from § 87(2)(b) 911 call (BR 11, page 7). At 3:25 a.m., § 87(2)(b) reported that her purse was stolen and reported no weapons or injuries. The job came over as 32Q1 (larceny in progress).

The investigation also obtained PO Singh's and Lieutenant Chance's memo books for the day of this incident (**BR 12**). PO Singh has no memo book entries, stating that he was the operator and that Lieutenant Chance was the recorder. Lieutenant Chance has one memo book entry pertaining to this incident, in which he recorded the 911 job as a "10-32Q1" (larceny in progress).

In *People vs. McBride*, 14 N.Y.3d 440 (BR 14), the court outlined factors that must be considered when determining whether exigent circumstances are present, including (1) the gravity or violent nature of the offense with which the suspect is to be charged; (2) whether the suspect is reasonably believed to be armed; (3) a clear showing of probable cause to believe that the suspect committed the crime; (4) strong reason to believe that the suspect is in the premises being entered; (5) a likelihood that the suspect will escape if not swiftly apprehended; and (6) the peaceful circumstances of the entry.

The investigation pleaded an entry allegation against both PO Singh for placing his foot in doorway and against Lieutenant Chance for supervising the entry and search.

It is undisputed that consent to enter was never sought by officers nor provided by § 87(2)(b) during this incident. Furthermore, not only was this a nonviolent crime, § 87(2)(g) § 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Robert Felts threatened to arrest § 87(2)(b)

It is undisputed that PO Felts threatened to arrest § 87(2)(b) during this incident and made physical contact with her.

In PO Felts' BWC (**BR 03**), at 16:55, PO Felts is inside § 87(2)(b) apartment. § 87(2)(b) is asking officers to take § 87(2)(b) who is standing outside of her apartment door, outside. PO Felts says to § 87(2)(b) that officers "already got § 87(2)(b) on a robbery," and that § 87(2)(b)

§ 87(2)(b) is now an “associate,” because she will not open the door. § 87(2)(b) steps over to her apartment door and asks officers to move § 87(2)(b) outside. PO Felts then grabs § 87(2)(b) by the shoulder and pushes her away from the front door and yells, “Do you want to go to jail instead? Do you want to go to jail?” He pushes her again at 17:15. PO Felts yells at § 87(2)(b) asking if she wants to go to jail three more times. At 17:23, PO Felts says, “You could go to jail too.... because you tried to close the door when we told you not to.” PO Felts is not heard telling § 87(2)(b) not to close her apartment door at any point.

PO Felts (BR 10) testified that he did not trust § 87(2)(b) and thought she was lying because she could not unlock the bedroom door. He said the bedroom door had a lock on the outside that indicated to him that § 87(2)(b) locked the door. He testified that he threatened to arrest her for obstruction of governmental administration or as an “accomplice in the robbery” for refusing to unlock the bedroom door and for attempting to close her apartment door on officers. He testified that he pushed § 87(2)(b) away from her apartment door because she attempted to close it on the officers. PO Felts added that it was a safety concern if the door was closed because § 87(2)(b) might have a weapon. PO Felts provided no reasons as to why he believed § 87(2)(b) had a weapon. PO Felts pushed § 87(2)(b) a second time because § 87(2)(b) was attempting to walk to the front door again and because PO Felts wanted her to open the locked bedroom door. There were no additional reasons for pushing § 87(2)(b).

NYC Penal Law § 195.05 (BR 16) states that a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved. Obstructing governmental administration is a class A misdemeanor.

There were discrepancies in PO Felts’ testimony compared to BWC footage and police documentation. PO Felts testified that § 87(2)(b) had refused to open her bedroom door and that officers needed to keep the apartment door open due to the call being “violent,” or for a robbery. However, PO Felts’ BWC confirms that § 87(2)(b) did not refuse to open the bedroom door, and instead told officers that she did not lock the bedroom door, that the door does not lock from the outside, and that she does not have a key. The EVENT corresponding to § 87(2)(b) 911 call also confirmed that this job came over as a larceny, which is a nonviolent crime.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 221-01 (BR 17) states that, before force is to be used, officers are to use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. Only in situations in which this is not appropriate should an officer use of force to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In determining whether the use of force is reasonable, officers should consider the nature and severity of the crime and circumstances, the actions taken by the subject, the duration of the action, the immediacy of the perceived threat or harm to the subject, members of service, and bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, the number of subjects compared to the number of officers, size, age and condition of the subject compared to the officers, the subject’s violent history (if known), the presence of a hostile crowd or agitators, and whether the subject is apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

BWC confirms that PO Felts did not attempt to gain voluntary compliance from § 87(2)(b) such as by asking her to keep her apartment door open, before pushing her away. Additionally, PO Felts testified that he pushed her a second time in order to get her to “open her bedroom door,” § 87(2)(g)

Furthermore, § 87(2)(b) was not a threat to the officers’ safety and the officers were not attempting to place her in custody. § 87(2)(g)

Allegation (F) Abuse of Authority: Lieutenant Andrew Chance failed to provide § 87(2)(b) with a business card.

Lieutenant Chance (BR 09) testified that he did not provide § 87(2)(b) with a business card because he believed that it was unnecessary to do so, as PO Singh had taken her complaint for harassment against § 87(2)(b)

Administrative Guide Procedure 304-11 (BR 18) states that officers are required to provide a business card at the conclusion of law enforcement activity, including a home search, except in instances in which a summons is issued or an arrest is made.

Given that Lieutenant Chance oversaw the entry and search of § 87(2)(b) apartment and did not issue § 87(2)(b) a summons nor arrest her, he was required per the Administrative Guide to provide a business card. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) has been a party (BR 19).
- PO Singh has been a member of service for four years and has been listed as a subject in one CCRB complaint and one allegation, which was not substantiated.
 - § 87(2)(g)
- Lieutenant Chance has been a member of service for 22 years and has been listed as a subject in four CCRB complaints and four allegations, none of which were substantiated.
 - § 87(2)(g)
- PO Felts has been a member of service for fifteen years and has been listed as a subject in eighteen CCRB complaints and 35 allegations, six of which were substantiated.
 - 202103608 involved substantiated allegations of discourtesy and of failure to provide a RTKA card against PO Felts. The Board recommended and the NYPD imposed Command Discipline B.
 - 202204053 involved substantiated allegations of physical force, detainment, threat of force, and threat of removal to the hospital against PO Felts. The Board recommended Charges, and the NYPD has yet to impose discipline.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- On April 26, 2023, this complaint was sent to mediation and on June 7, 2023, this complaint was returned to investigation as it was no longer suitable for mediation.
- On October 31, 2023, a FOIL request for any Notice of Claim was submitted to the Office of the Comptroller and will be added to the case file upon receipt (BR 20).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 16

Investigator:	Carter Garfield	SI Garfield	12/7/2023
	Signature	Print Title & Name	Date

Squad Leader: Patrick Yu	IM Patrick Yu	12/07/2023
Signature	Print Title & Name	Date

Reviewer: _____

_____ Signature	_____ Print Title & Name	_____ Date
--------------------	-----------------------------	---------------